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7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010 - 529**

12 **ETTA MARIA DUPLANTIS**  
13 **220 Pearl Margaret Drive**  
**Gray, LA 70359**  
14 **Registered Nurse License No. RN 627349**

**A C C U S A T I O N**

Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs.

21 2. On or about October 1, 2003, the Board of Registered Nursing issued Registered  
22 Nurse License Number RN 627349 to Etta Maria Duplantis (Respondent). The Registered Nurse  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on October 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

1 STATUTORY PROVISIONS

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
3 that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
8 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
9 Code, the Board may renew an expired license at any time within eight years after the expiration.

10 6. Section 2761 of the Code states, in pertinent part:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an  
12 application for a certificate or license for any of the following:

13 ...

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
16 conclusive evidence thereof.

17 ...

18 7. Section 2762 of the Code states, in pertinent part:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this  
20 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
21 chapter to do any of the following:

22 ...

23 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
27 ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10. California Code of Regulations, title 16, section 1444, states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following....

• • •

## FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

11. Respondent is subject to disciplinary action under sections 490 and 2761(f) in that she was convicted of a crime substantially related to the practice of registered nursing. The circumstances are as follows:

12. On or May 27, 2009, in San Mateo County Superior Court case number SM363092, Respondent plead nolo contendere to a violation of Vehicle Code section 25152(b) (Driving while having a blood alcohol of .08% or higher). At the time of her arrest, at approximately 0900 hours on April 3, 2009, Respondent had collided with (rear-ended) a vehicle stopped at an intersection.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Conviction)

3 13. Respondent is subject to disciplinary action under section 2762(c) in that she was  
4 convicted of a criminal offense involving the consumption or self-administration of alcoholic  
5 beverages to an extent or in a manner dangerous to herself, another person, or the public or to the  
6 extent that such use impairs her ability to practice registered nursing safely. The circumstances  
7 are set forth in paragraph 12 above.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 14. Respondent is subject to disciplinary action under section 2762(b) in that she used  
11 alcohol to an extent or in a manner dangerous or injurious to herself, another person or the public,  
12 or to the extent its use impairs her ability to practice registered nursing safely. The circumstances  
13 are set forth in paragraph 12 above.

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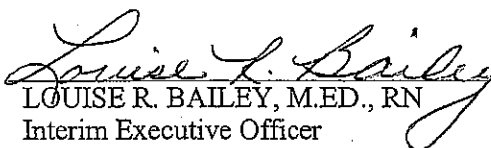
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 627349, issued to Etta Maria Duplantis.
2. Ordering Etta Maria Duplantis to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

4/21/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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